

Greenberg Traurig

Mitchell F. Brecher
(202) 331-3152
BrecherM@gtlaw.com

January 22, 2008

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CC Docket No. 96-45
NOTICE OF EX PARTE PRESENTATION

Dear Ms. Dortch:

On January 18, 2008, F.J. Pollak, President and Chief Executive Officer, TracFone Wireless, Inc., and I, met with Scott M. Deutchman, Legal Advisor to Commissioner Michael J. Copps.

During the meeting, we discussed TracFone's pending petitions for designation as an Eligible Telecommunications Carrier in eleven states, eight of which have been pending since 2004, and its proposal to offer Lifeline service to qualified low income consumers. TracFone provided each attendee with a written presentation describing its ETC Lifeline proposal and containing letters of support from several Members of Congress and consumer groups. A copy of that presentation is attached to this letter.

Pursuant to Section 1.1206(b) of the Commission's rules, this notice is being filed electronically in the above-captioned dockets. If you have any questions regarding this letter or the attachments submitted herewith, please contact undersigned counsel for TracFone.

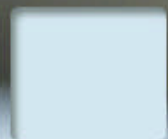
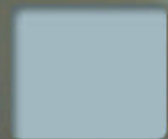
Sincerely,



Mitchell F. Brecher

Attachment

cc: Mr. Scott M. Deutchman



TracFone Wireless, Inc.
January 18, 2008

TracFone's Eligible Telecommunications Carrier Petitions

- June 8, 2004 -Petitions to be an ETC in New York and for forbearance from application of Section 214(e)(1)(A)
- July 2,2004 - Petitions to be an ETC in Florida and Virginia
- November 9, 2004 - Petitions to be an ETC in Alabama, Connecticut, Massachusetts, North Carolina, and Tennessee
- September 8, 2005 - FCC conditionally grants TracFone's petition for forbearance
- October 11, 2005 - TracFone files Compliance Plan in which it states how it will meet each condition imposed by the FCC in granting forbearance petition
- November 28, 2007 – Petitions to be an ETC in Delaware and New Hampshire
- December 11, 2007 – Petitions to be an ETC in Pennsylvania
- January 18, 2008 – Almost 4 years after first ETC petition filed and nearly 2½ years after forbearance petition granted, all of TracFone's ETC petitions remain pending

TracFone's Lifeline Plans

TracFone seeks ETC status only to offer Lifeline service under two plans (TracFone does not seek high-cost support)

■ TracFone Pay-As-You-Go Plan

- No charge to customer for 50 minutes of airtime per month; additional minutes can be purchased at \$0.20 per minute.
- Minutes can be used to call over 60 countries
- Text messaging at \$0.06 per message
- New handsets sold for \$15.00; refurbished handsets for no charge, when available.

■ NET10 Pay-As-You-Go Plan

- No charge to customer for 100 minutes of airtime per month; additional minutes can be purchased at \$0.10 per minute.
- International calling for an additional \$0.05 per minute
- Text messaging at \$0.05 per message
- Handsets sold for \$30.00

Application Process for TracFone's Lifeline Plans

- Customers will receive written information at the point of sale, but apply for Lifeline service directly with TracFone via telephone, facsimile or Internet
- The Lifeline application form will require customers to self-certify, under penalty of perjury, that:
 - They qualify for Lifeline service either by participating in a particular program (*e.g.*, Medicaid) or by having a household income level that does not exceed the relevant threshold. (TracFone's forms will comply with applicable state law)
 - They only receive Lifeline service from TracFone
- TracFone's application form will require a primary residential address and contact telephone number; TracFone will maintain a customer database to ensure that only one handset per household is receiving Lifeline service
- All Lifeline customers will be directed to verify continued eligibility for Lifeline service on an annual basis

Members of Congress Support Grant of TracFone's ETC Petitions

- Congressman Engel (New York)

- *"Once these applications are granted, TracFone has proposed to utilize funds from the federal Universal Service Fund to offer qualified low income consumers convenient wireless service that is completely free to these qualified individuals. Given the great benefit this will bring at no cost to the Lifeline user, I see no reason to delay further the granting of these applications."*

- Congressman Bart Gordon (Tennessee)

- *"TracFone seeks ETC designation to enable it to provide a free prepaid wireless Lifeline telecommunications service to low income consumers. ... I respectfully urge you to consider these pending applications."*

Members of Congress Support Grant of TracFone's ETC Petitions

- Senator John Kerry (Massachusetts)
 - *"Granting these petitions would allow TracFone to provide affordable wireless service to families to whom such service would otherwise be unaffordable. This could certainly help achieve the public policy goal of expanded availability of affordable telecommunications service in general and wireless telecommunications service in particular to those American most in need of affordable service."*
- Senator Bill Nelson (Florida)
 - *"TracFone's petitions have been pending before the Commission for approximately three years without action. Through this letter, I am requesting that the Commission provide an update on the status of these petitions."*

Consumer Advocacy Groups Support Grant of TracFone's ETC Petitions

- American Association of People with Disabilities

- *"Prepaid wireless service is sometimes the only option for some low income consumers with disabilities who may have little or no (or bad) credit We therefore support the availability of more eligible telecommunications carriers, such as TracFone Wireless – who has sought ETC status for [three] years – so that more persons with disabilities have the option to choose this form of wireless service."*

- Consumer Action

- *"The proposal by TracFone Wireless, Inc. to offer Lifeline prepaid service would allow more low-income people to afford wireless service. ... [Consumers] are concerned with access, quality and price. The TracFone proposal offers Lifeline-qualified customers all three."*

Consumer Advocacy Groups Support Grant of TracFone's ETC Petitions

- National Consumers League

- *"NCL believes that [TracFone's] proposal would help to fulfill an important social imperative – ensuring that all Americans are able to communicate by telephone. ... TracFone Wireless, Inc. provides good-quality service and is proposing to offer it to Lifeline-qualified customers at a price that most could easily be able to afford. The Federal Communications Commission should embrace this innovative proposal and approve the company's petition for ETC status"*

- Rainbow PUSH Coalition

- *"The Commission's support of [TracFone's] innovated and viable service will increase access to Lifeline, increase access to wireless phones, and decrease the gaps that exist in reaching the goals of universal service."*

Consumer Advocacy Groups Support Grant of TracFone's ETC Petitions

- Virginia Citizens Consumer Council

- *"Low income Americans deserve to have the same access to wireless and competitive services as do other consumers. [TracFone's] proposal would help to fulfill an important social imperative – ensuring that more Virginians – and Americans – have access to affordable phone service. ... There is nothing to lose and much to gain by letting TracFone serve Lifeline customers in Virginia."*

- Copies of letters containing the statements quoted above are attached to this presentation.